REMARKS

Claims 1-22 are pending, in which claims 2 and 12 are canceled without prejudice or disclaimer, and claims 1, 3, 5-7, and 11 are currently amended. The claim amendment incorporates subject matter found in dependent claims 2 and 12 (now canceled) into various independent claims. Consequently, these changes are not believed to raise new issues requiring further consideration and/or search, and it is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

The final Office Action mailed April 27, 2006 rejected claims 1-3, 11 and 13 under 35 U.S.C. § 102 as anticipated by *Richardson et al.* (US 6,633,856) and claims 4-10, 12 and 14-22 as obvious under 35 U.S.C. § 103 based on *Richardson et al.* (US 6,633,856).

With respect to the drawing objection, the Examiner continues to insist that Applicants acknowledge that FIGs. 1-5 are "old." Applicants will not make such admission, and is not required to do so under the patent laws. These figures illustrate processes, components, and systems that can embody the claimed invention, and are discussed in the Specification in the context of the various embodiments of the claimed invention.

To reduce issues for Appeal, Applicants have amended independent claims 1 and 11 to incorporate the features of "wherein the edge values ... are stored according to a predetermined scheme that permits concurrent retrieval of a set of the edge values, **the predetermined scheme specifies contiguous physical memory locations for the set of edge values,**" from dependent claims 2 and 12. In the final Office Action, the Examiner summarily dismisses Applicants' prior arguments with the terse statement "The Examiner disagrees with the Applicant and maintains rejections with respect to pending claims 1-22." This is yet another example of the Examiner's action that contravenes 35 U.S.C. § 132, which requires the Director to "notify the applicant thereof, stating the reasons for such rejection." This section is violated if the rejection "is so uninformative that it prevents the applicant from

recognizing and seeking to counter the grounds for rejection." ***Chester v. Miller***, 15 USPQ2d 1333 (Fed. Cir. 1990). Applicants have made a good faith effort to advance prosecution by addressing the Examiner's application of the cited art. However, the Examiner elects to keep Applicants uninformed about the exact nature of the rejection.

Figure 15 of the *Richardson et al.* reference shows a decoder system that includes an Edge Message Memory 1506. The accompanying text of Figure 15 describes that "[t]he edge message memory 1506 and hard decision memory 1512 are vectorized versions of their counterparts 906 and 912 in decoder 900." From this general description, the Examiner takes the technical leap that *Richardson et al.* reference teaches "wherein the edge values ... are stored according to a predetermined scheme that permits concurrent retrieval of a set of the edge values, **the predetermined scheme specifies contiguous physical memory locations for the set of edge values.**" The Examiner offers no explanation on how the specific claim language of "**contiguous physical memory locations**" is disclosed.

Likewise, the final Office Action chooses to ignore Applicants' argument for the allowability of independent claim 19. Although the Examiner acknowledges the deficiencies of *Richardson et al.*, the Examiner nevertheless draws the conclusion (unsupported by the *Richardson et al.* reference) that it would have been obvious to modify the *Richardson et al.* system to meet the claimed features of "a first portion storing a first group of edge values associated with a structured parity check matrix used to generate the LDPC coded signal, the first group of edges being connected to bit nodes of *n* degrees; and a second portion storing a second group of edge values associated with the structured parity check matrix used to generate the LDPC coded signal, the second group of edges being connected to bit nodes of greater than *n* degrees, wherein a set of edge values from the first group or the second group is retrieved to output a decoded signal." In drawing this conclusion, the Office Action has ignored the basic tenets of obviousness. In rejecting claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the obviousness conclusion. ***In re Warner***, 379 F.2d 1011,

154 USPQ 173 (CCPA 1967); ***In re Lunsford***, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); ***In re Freed***, 425 F. 2d 785, 165 USPQ 570 (CCPA 1970). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by ***Graham v. John Deere Co.***, 86 S. Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference to arrive at the claimed invention. ***Uniroyal, Inc. v. Rudkin-Wiley Corp.***, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and the reasonable expectation of success must stem from the prior art itself, as a whole. ***In re Vaeck***, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); ***In re Fine***, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); ***In re Dow Chemical Co.***, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988). In rejecting independent claim 19, the Examiner has not put forth any factual evidence that stems from the reference. The decoding algorithm used by the *Richardson et al.* system (pages 15-16 of the final Office Action) does not require storage of the edge values in the manner claimed, as the algorithm operates differently, utilizing an "edge index" in conjunction with a message ordering module.

Further, the Office Action's conclusion of obviousness is insufficient as a matter of law, because such conclusory statements, premised on "common knowledge and common sense," fail to fulfill requirements of the Administrative Procedure Act, ***In Re Sang Su Lee***, No. 00-1158 (Fed. Cir. Jan. 18, 2002), and that deficiencies of the cited references cannot be remedied by general conclusions about what is "basic knowledge" or "common sense." ***In Re Zurko***, 258 F.3d at 1385, 59 USPQ2d at 1697.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (310) 964-4615 so that such issues may be resolved as

expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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